

Message

**From:** Hurl, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]  
**Sent:** 9/25/2020 6:23:19 PM  
**To:** Bathersfield, Nizanna [Bathersfield.Nizanna@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**CC:** Weiss, Kevin [Weiss.Kevin@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]  
**Subject:** RE: Draft FRN - Criminal Intent Standard  
**Attachments:** FR 2020-19881\_2647049 (5).docx

Nizanna,

Thanks for sharing the draft I will leave specific edits to Heidi and Simma at this time but thought I'd offer these to help with the drafting. First looks good. Then just a few thoughts for your consideration:

- 1) I noticed you had a place holder for COVID protocols for hearings. I've attached here a copy of the FRN on the FL request to assume - in word prior to signature (and OFR tweaks) and a link to the published FRN so you can grab the stock language that the OFR and EPA policy folks agreed could be in an FRN. I share as it includes other components of the hearings you may want to consider such as pre-registration of attendees and speakers and where to register.

- 2)
- 3)
- 4)

**Ex. 5 AC/DP**

<https://www.federalregister.gov/documents/2020/09/16/2020-19881/floridas-request-to-assume-administration-of-a-clean-water-act-section-404-program>

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**From:** Bathersfield, Nizanna <Bathersfield.Nizanna@epa.gov>  
**Sent:** Friday, September 25, 2020 11:48 AM  
**To:** Nalven, Heidi <Nalven.Heidi@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Weiss, Kevin <Weiss.Kevin@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>  
**Subject:** Draft FRN - Criminal Intent Standard

Hi Heidi and Simma,

Attached is a very draft version of the FRN for your review. We essentially took Simma's draft preamble and reg and put it into the FRN format because we thought that it would be a good start. I'll be working with our reg manager to make sure the formatting, the outlined public participation process and the EO discussions are accurate.

Please let me know what you think and you can share any edits that you have in track changes.

Thanks!  
Nizanna

Nizanna Bathersfield  
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**From:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
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**Cc:** Bathersfield, Nizanna <[Bathersfield.Nizanna@epa.gov](mailto:Bathersfield.Nizanna@epa.gov)>  
**Subject:** RE: Can you send met latest version of 404(g) rulemaking preamble

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**From:** Nalven, Heidi <[Nalven.Heidi@epa.gov](mailto:Nalven.Heidi@epa.gov)>  
**Sent:** Friday, September 11, 2020 3:41 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Cc:** Bathersfield, Nizanna <[Bathersfield.Nizanna@epa.gov](mailto:Bathersfield.Nizanna@epa.gov)>  
**Subject:** Can you send met latest version of 404(g) rulemaking preamble

**Ex. 5 AC/DP**